

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

NASIRUDDIN KHAN  
of Edmonton, Alberta, Canada,  
  
Petitioner,  
  
v.  
  
TARFA FATIMA,  
  
Respondent.

Case No. 12 C 1270

Hon. Harry D. Leinenweber

ORDER

This matter having come before the Court to be heard on the Verified Petition for Return of Child and Petition for Immediate Issuance of Show Cause Order to Respondent, The Convention on the Civil Aspects of International Child Abduction, done at the Hague on October 25, 1980 and the International Child Abduction Remedies Act. The Court has jurisdiction over the parties, both of whom were present before the Court and represented by counsel.

Having held a hearing on the matter, the Court makes the following findings:

1. Prior to April 2011, the Child ZFK was habitually a resident of Edmonton, Alberta, Canada. She resided there with both of her parents, Petitioner and Respondent.

2 Prior to April 2011, both Petitioner and Respondent had been domiciled in Edmonton, and both had guardianship rights as to the child.

3. Following a visit to India, the child was removed by the Respondent to the United States without permission of the Petitioner.

4. Respondent has not met her burden of demonstrating by clear and convincing evidence that there is a grave risk that the child's return to Canada with the Petitioner will imminently expose her to psychological or physical harm or place her in an intolerable situation, as required under Article 13(b) of the Hague Convention to justify an order declining to return the child.

Based on the above findings, the Court rules as follows:

1. Petitioner's Petition for Return of Child is granted on the condition that Petitioner will pay the retainer of an attorney of Respondent's choosing in Edmonton, Alberta, Canada for the purpose of representing her in the pending divorce and custody proceedings there. The Court defers to the judgment of the Canadian courts as to whether Petitioner should be required to pay all of Respondent's legal fees.

2. Petitioner having agreed to that condition, Respondent shall promptly turn over to Petitioner the passport of the minor Child ZFK.

**IT IS SO ORDERED.**



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Harry D. Leinenweber, Judge  
United States District Court

**DATE:** 3/23/2012